

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION: 04-CV-11069-JLT

ABRAHAM PHILIP, MD

Plaintiff,

vs.

JOHN CRONIN, in his personal
capacity.

Defendant.

PLAINTIFF'S MOTION TO SUBSTITUTE
WITNESSES TO BE DEPOSED

The plaintiff moves that the list of witnesses to be deposed in this case be altered. Plaintiff's counsel conferred with defendant's counsel on February 9, 2005, but no agreement was reached.

As reasons for this motion, the plaintiff states:

1. Three of the four persons sought to be deposed are named in the defendant's initial disclosures.

2. The plaintiff is *not* seeking to increase the total number of depositions to be taken.

3. Since the court's order of November 2, 2004, plaintiff's counsel has reviewed further documents, has had further conversations with the client, and has otherwise

investigated the case.

4. As a result, plaintiff's counsel has determined that the list of witnesses he originally sought to depose would not deliver the most "bang for the buck" for the client.

5. The plaintiff seeks to substitute four witnesses on the current list with four witnesses who are not on the list.

6. The witnesses the plaintiff seeks to depose are the following employees of the Office of the Chief Medical Examiner; Dr. Evans, Dr. Petalis, and Dr. Zane.

7. The plaintiff would agree to take their depositions at the OCME's office or at the offices of the Attorney General of Massachusetts for the convenience of the witnesses. (Plaintiff's attorney has already agreed to do so for the convenience of Defendant-Cronin.)

8. The plaintiff seeks to take the deposition of Dr. Guy Vallaro of the University of Massachusetts. He would be deposed at a location most convenient for him.

9. The plaintiff would drop from his list of proposed deponents the following; Melissa Christie, Timothy Manning, Joseph Bryson, and Mildred Anglin.

10. The "new" deponents are all persons having direct knowledge of the problems at the OCME about which Dr. Philip spoke publicly, and for which speech Dr. Philip was fired.

11. Taking the depositions of the proposed deponents would advance the cause of justice in this case.

RELIEF REQUESTED

WHEREFORE, the plaintiff asks that the court:

(1) Allow the plaintiff to amend the list of witnesses to be deposed on the court's order of November 2, 2004.

Respectfully Submitted,

/s/ Daniel S. Sharp

WHITFIELD SHARP & SHARP
Daniel S. Sharp
Attorney for Plaintiff
(BBO 565524)
48 Locust Street
Marblehead, MA 01945
781-639-1862

Certificate of Service

Daniel S. Sharp certifies that a copy of the document above was served by U.S. Mail, first class, with postage affixed, on counsel for all opposing parties on Wednesday, February 09, 2005 to:

Attorney Mary O'Neil
Assistant Attorney General
One Ashburton Place
Boston, MA 02108-1598

/s/ Daniel S. Sharp
